

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JENNIFER MULLIS	:	Case No. C-1-01-713
	:	J. Weber
Plaintiff,	:	
	:	
vs.	:	
	:	
HOME DEPOT U.S.A., INC.	:	MOTION FOR LEAVE TO WITHDRAW
	:	<u>AS COUNSEL OF RECORD</u>
Defendant.	:	

Comes now undersigned counsel and requests leave of this Court to withdraw as counsel of record. This Court has set an evidentiary hearing in this matter regarding Home Depot's "Motion to Enforce Settlement Agreement." This hearing is currently set for October 27, 2003 at 9:00 a.m. Undersigned Attorney Clark anticipates being called as a witness by movant Home Depot and/or non-movant Jennifer Mullis. As a result, relevant ethical considerations require that Freking & Betz withdraw as counsel. See Ohio Code of Prof. Resp. D.R. 5-102 (entitled "Withdrawal as Counsel When the Lawyer Becomes a Witness"). As a result, undersigned counsel seek leave to withdraw as counsel of record.

In the event this Court grants this Motion, undersigned counsel provides notice that Ms. Mullis's mailing address is: P.O. Box 31356, Cincinnati, Ohio 45231.

Respectfully submitted,

/s/ Megan E. Clark
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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2003, a copy of the foregoing was filed electronically. A copy of this filing has been served by regular U.S. mail to Jennifer Mullis, P.O. Box 31356, Cincinnati, Ohio 45231. Notice of this filing will be sent to Charles C. DeWitt, Jr., Esq., Co-Counsel for Defendant, DeWitt, Balke & Vincent, P.L.C., 200 Renaissance Center, Suite 3110, Detroit, MI 48243, and Donald J. Mooney, Jr., Esq., Co-Counsel for Defendant, Ulmer & Berne LLP, 600 Vine Street, Suite 2800, Cincinnati, OH 45202, by operation of the Court's electronic filing system and copies will be mailed via facsimile to those parties who are not served via the Court's electronic filing system. Registered parties may access this filing through the Court's System.

/s/ Megan E. Clark